

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LAMAR BROWN, *on behalf of himself and all
others similarly situated*,

Plaintiffs,

-v.-

SHADES OF AFRIKA,

Defendant.

22 Civ. 08994 (JHR)

ORDER TO SHOW CAUSE

JENNIFER H. REARDEN, District Judge:

On October 21, 2022, Plaintiff Lamar Brown filed the Complaint in this action. ECF No. 1. On December 8, 2022, Defendant Shades of Afrika was served with process. Its answer was therefore due on December 29, 2022. ECF Nos. 5 and 11; *see also* Fed. R. Civ. P. 12(a)(1)(A)(i) (“A defendant must serve an answer . . . within 21 days after being served with the summons and complaint.”). To date, Defendant has not responded to the Complaint or otherwise appeared. Upon Plaintiff’s application, the Clerk of Court issued a certificate of default for Defendant on March 15, 2023. ECF Nos. 16, 23-3.

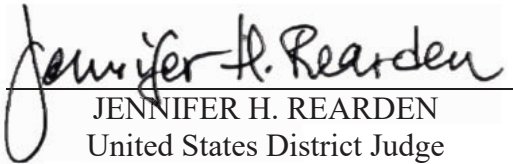
On June 21, 2023, the Court issued an Order to Show Cause why this action should not be dismissed for failure to prosecute, stating that Plaintiff “may show cause by properly submitting a motion for default judgment” by June 28, 2023. ECF No. 21. The Court also ordered Plaintiff to “electronically serve a copy of this Order on Defendant” by June 23, 2023, and to “file proof of such service” by June 26, 2023. *Id.* Plaintiff has not done so.

On June 28, 2023, Plaintiff moved for default judgment against Defendant Shades of Afrika. ECF No. 22. In support, Plaintiff filed an affirmation from counsel with exhibits, ECF No. 23, and a proposed default judgment, ECF No. 24. Pursuant to Rule 7 of the Court’s Default Judgment Procedures, all papers filed in connection with a motion for default judgment “shall

simultaneously be mailed to” each defendant at its “last known business address,” and “[p]roof of such mailing shall be filed with the Court on ECF.” *See* Indiv. Civil R. & Pracs., Attach. A, R. 7. The docket does not reflect proof of service on Defendant of Plaintiff’s motion for default judgment and supporting papers. Plaintiff shall electronically serve his motion and supporting papers and a copy of this Order on Defendant **by Friday, November 10, 2023**, and shall file proof of such service by **Monday, November 13, 2023**.

SO ORDERED.

Dated: November 8, 2023
New York, New York



JENNIFER H. REARDEN
United States District Judge